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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**  
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8 DELL MARVIN ROBERTS,

9 *Petitioner,*

3:09-cv-00685-ECR-VPC

10 vs.

ORDER

11 JIM BENEDETTI, *et al.*

12 *Respondents.*

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15 Petitioner has not responded to the order (#15) directing that he show cause why the  
16 petition is not subject to dismissal because the petition is wholly unexhausted. Petitioner has  
17 not done so or otherwise responded. On the face of the record, the petition is wholly  
18 unexhausted. #15, at 2-3. The order informed petitioner that the entire petition would be  
19 dismissed if he did not timely respond. #15, at 4, lines 3-4.

20 IT THEREFORE IS ORDERED that the petition shall be DISMISSED without prejudice  
21 and that a certificate of appealability is DENIED.

22 The Clerk of Court shall enter final judgment accordingly against petitioner and in favor  
23 of respondents, dismissing this action without prejudice.

24 DATED this 13<sup>th</sup> day of April 2011.

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27 EDWARD C. REED  
United States District Judge  
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